

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

BRYAN JOSEPH LAYTON,
Institutional ID No. 06144600,

Plaintiff,

v.

MARSHA McCLAIN, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:21-CV-122-M-BQ

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge advising that the Court should dismiss without prejudice Plaintiff's claims under the Equal Protection Clause and First Amendment against Defendants Marsha McLane, John Cochran, Wayne Schmoker, Tiffany Graves, and Dr. Daniel Keaton for lack of subject-matter jurisdiction in accordance with Fed. R. Civ. P. 12(b)(1) and (h)(3). ECF No. 64. The Magistrate Judge further recommends the Court deny as moot Defendants' Motion to Stay Mediation Deadline (ECF No. 55), Plaintiff's Motion for Appointment of Counsel (ECF No. 56), and Plaintiff's Motion for Initial Designation of Experts and Witnesses (ECF No. 57) (collectively, the Motions). Plaintiff did not file objections, and the time to do so has now expired.

After making an independent review of the Findings, Conclusions, and Recommendation of the Magistrate Judge, the Court concludes that the Findings and Conclusions are correct. It is therefore ORDERED that the Findings, Conclusions, and Recommendation of the Magistrate Judge (ECF No. 64) are ACCEPTED, and Plaintiff's claims under the Equal Protection Clause

and First Amendment against Defendants are DISMISSED without prejudice. It is further ORDERED that the Motions are DENIED as moot.

SO ORDERED this 15th day of April, 2024.


BARBARA M. G. LYNN
SENIOR UNITED STATES DISTRICT JUDGE